CERTIFICATION OF ENROLLMENT

**SECOND SUBSTITUTE HOUSE BILL 1639**

68th Legislature

2023 Regular Session

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| Passed by the House April 14, 2023  Yeas 96 Nays 0  **Speaker of the House of Representatives**  Passed by the Senate April 11, 2023  Yeas 48 Nays 0  **President of the Senate** | CERTIFICATE  I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1639** as passed by the House of Representatives and the Senate on the dates hereon set forth.  Chief Clerk |
| Approved |  |
| **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SECOND SUBSTITUTE HOUSE BILL 1639**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Lekanoff, Ramel, Gregerson, and Santos; by request of Arts Commission)

AN ACT Relating to the Billy Frank Jr. national statuary hall selection committee; amending RCW 1.16.050; amending 2021 c 20 s 3 (uncodified); reenacting and amending RCW 43.79A.040; adding a new section to chapter 42.52 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  2021 c 20 s 3 (uncodified) is amended to read as follows:

(1) The Billy Frank Jr. national statuary hall selection committee is established to represent the state in the duties set forth under subsection (3) of this section.

(2)(a) The committee shall consist of the following members:

(i) ((~~The governor or the governor's designee;~~

~~(ii)~~)) The lieutenant governor;

((~~(iii) The speaker of the house of representatives;~~

~~(iv) The minority leader of both the senate and house of representatives;~~

~~(v) Two members~~)) (ii) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house and the minority leader;

(iii) One member from each of the two largest caucuses in the senate, appointed by the majority leader and the minority leader;

(iv) One member who represents the western Washington treaty tribes, appointed by the governor. The governor shall solicit from the northwest Indian fisheries commission a list of at least three nominees representing the western Washington treaty tribes and, in making the appointment, shall consider the list of nominees submitted;

((~~(vi) One member representing an environmental, conservation, or environmental justice nonprofit organization, appointed by the governor;~~

~~(vii)~~)) (v) One member from Billy Frank Jr.'s family, appointed by the governor;

((~~(viii) One member from the Washington state legacy project, created under RCW 43.07.363;~~

~~(ix)~~)) (vi) One member from the division of archives and records management, established under RCW 40.14.020;

((~~(x)~~)) (vii) One member from the Washington state historical society; and

((~~(xi) One member from the Washington state department of archaeology and historic preservation; and~~

~~(xii)~~)) (viii) One member from the Washington state arts commission.

(b) The members described in (a) of this subsection shall select ((~~a chair~~)) three cochairs of the committee.

(3) Upon the approval of the request under section 2, chapter 20, Laws of 2021 by the joint committee on the library of congress, the governor shall convene the committee, and the committee shall:

(a) Enter into an agreement with the architect of the United States capitol pursuant to 2 U.S.C. Sec. 2132 to carry out the replacement of the statues as described in chapter 20, Laws of 2021;

(b) Select and contract with a sculptor to design and carve or cast a statue of Billy Frank Jr., and design and fabricate its pedestal, to be placed in the national statuary hall collection;

(c) ((~~Ensure~~)) Support and oversee the design and creation of the statue of Billy Frank Jr., and ensure that the statue designed and created under (b) of this subsection complies with the conditions and restrictions set forth under 2 U.S.C. Sec. 2131;

(d) Support and oversee all communications, public relations, outreach, and educational materials related to the design, creation, and unveiling of the statue. The committee may enter into an agreement with a qualified communications firm or organization as necessary to accomplish this task;

(e) Arrange, in coordination with the sculptor and the department of enterprise services, for a duplicate cast of the statue to be created and installed at the legislative building on the capitol campus in Olympia;

(f) Arrange, in coordination with the architect of the United States capitol, for the removal and transportation of the Marcus Whitman statue to Washington, and arrange for an unveiling ceremony at the relocation site as selected in accordance with section 4, chapter 20, Laws of 2021;

((~~(e)~~)) (g) Arrange for the transportation and placement of the Billy Frank Jr. statue in the national statuary hall, in coordination with the architect of the United States capitol;

((~~(f)~~)) (h) Arrange for one or more ceremonies to celebrate the unveiling of the Billy Frank Jr. statues in the national statuary hall and on the capitol campus. The ceremonies may take place in Washington state, the United States capitol, or both; and

((~~(g)~~)) (i) Perform all other matters and things necessary to carry out the purpose and provisions of this section.

(4) The committee shall enter into an agreement with the Nisqually tribe, of which Billy Frank Jr. was a member, to provide cultural competency to the committee as it carries out its duties under this section, and to any state agencies involved in implementation of this section. The tribe shall be compensated for its services under this subsection.

(5) The committee and the Washington state historical society may solicit and accept gifts, grants, or endowments from public and private sources that are made in trust or otherwise for the use and benefit of the purposes of the committee in carrying out chapter 20, Laws of 2021. The committee may spend gifts, grants, or endowments or income from public or private sources according to their terms. All receipts from gifts, grants, and endowments received pursuant to this subsection must be
deposited in the Billy Frank Jr. national statuary hall collection
fund established under RCW 43.08.800.

((~~(5) No general fund resources may be expended to implement this section.~~))

(6) The implementation of this section shall first be funded through moneys in the Billy Frank Jr. national statuary hall collection fund. Any additional funding necessary may be provided from the state general fund. Any funds remaining in the Billy Frank Jr. national statuary hall collection fund upon completion of the tasks described under chapter 20, Laws of 2021, must be granted to the Washington state historical society.

(7) The Washington state arts commission may submit expenses for reimbursement to the committee for providing administrative support to the committee, coordinating and overseeing artist selection, and managing procurements.

(8) For the purposes of this section, "committee" means the Billy Frank Jr. national statuary hall selection committee.

**Sec.**  RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the Billy Frank Jr. national statuary hall collection fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county ((~~enhanced~~)) 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the Washington student loan account, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec.**  RCW 1.16.050 and 2021 c 295 s 2 are each amended to read as follows:

(1) The following are state legal holidays:

(a) Sunday;

(b) The first day of January, commonly called New Year's Day;

(c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;

(d) The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;

(e) The last Monday of May, commonly known as Memorial Day;

(f) The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the African slaves learned of their freedom;

(g) The fourth day of July, the anniversary of the Declaration of Independence;

(h) The first Monday in September, to be known as Labor Day;

(i) The eleventh day of November, to be known as Veterans' Day;

(j) The fourth Thursday in November, to be known as Thanksgiving Day;

(k) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and

(l) The twenty-fifth day of December, commonly called Christmas Day.

(2) Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for in this section after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

(3) Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under RCW 43.41.109.

(4) If any of the state legal holidays specified in this section are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday for employees of the state and its political subdivisions. However, for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday is recognized as a paid legal holiday, but in no case may both holidays be recognized as a paid legal holiday for employees.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

(6) Nothing in this section may be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

(7) The legislature declares that the following days are recognized as provided in this subsection, but may not be considered legal holidays for any purpose:

(a) The thirteenth day of January, recognized as Korean-American day;

(b) The twelfth day of October, recognized as Columbus day;

(c) The ninth day of April, recognized as former prisoner of war recognition day;

(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;

(e) The seventh day of August, recognized as purple heart recipient recognition day;

(f) The second Sunday in October, recognized as Washington state children's day;

(g) The sixteenth day of April, recognized as Mother Joseph day;

(h) The fourth day of September, recognized as Marcus Whitman day;

(i) The seventh day of December, recognized as Pearl Harbor remembrance day;

(j) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;

(k) The nineteenth day of February, recognized as civil liberties day of remembrance;

(l) The thirtieth day of March, recognized as welcome home Vietnam veterans day;

(m) The eleventh day of January, recognized as human trafficking awareness day;

(n) The thirty-first day of March, recognized as Cesar Chavez day;

(o) The tenth day of April, recognized as Dolores Huerta day;

(p) The fourth Saturday of September, recognized as public lands day; ((~~and~~))

(q) The eighteenth day of December, recognized as blood donor day; and

(r) The ninth day of March, recognized as Billy Frank Jr. day.

NEW SECTION. **Sec.**  A new section is added to chapter 42.52 RCW to read as follows:

This chapter does not prohibit the members of the Billy Frank Jr. national statuary hall selection committee, members of the legislature, when outside the period in which solicitation of contributions is prohibited by RCW 42.17A.560, or employees of the Washington state historical society from soliciting contributions for the purposes established in chapter 20, Laws of 2021, and for deposit into the Billy Frank Jr. national statuary hall collection fund created in RCW 43.08.800.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

**--- END ---**